

### **III. REMARKS**

Claims 1-22 are pending in this application. By this amendment, claims 1, 4, 10, 15 and 18 have been amended. Applicant is not conceding in this application that those claims are not patentable over the art cited by the Office, as the present claim amendments and cancellations are only for facilitating expeditious prosecution. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-14 and 18-22 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Claims 1-9 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Claims 1-14 and 18-22 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Claims 1-22 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Gupta *et al.* (U.S. Patent No. 6,226,752 B1), hereafter “Gupta.”

#### **A. REJECTION OF CLAIMS 1-9 UNDER 35 U.S.C. §112, SECOND PARAGRAPH**

The Office has asserted that claims 1-9 are indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office indicates that the limitation “during a session with the network application” of claim 1 is unclear. The Office indicates that “in order to establish “a session” on of ordinary skill [sic] in the art would require [sic] at least a user, or requesting party or client or computer. This

statement indicates, assuming the Office is correct, that one of ordinary skill in the art would know what needed to be provided in order to practice the teachings of the claimed invention. Further, all of the questions asked by the Office on page 6 of the Final Office Action may be answered by reading the claims in light of the specification, which provides description and / or examples for each of these facets of the invention. Accordingly, Applicant requests that the rejection be withdrawn.

The Office further objects to the limitation “...determining if it is likely that the session has expired” in claim 4. Applicant has amended claim 4 to recite “...determining if it is probable that the session has expired.” Applicant asserts that this amendment further clarifies the invention. Accordingly, Applicant requests that the rejection be withdrawn.

The Office further objects to the limitation “determining if a login page is received...in response to the request,” of claim 5. Applicant has amended claim 5 to recite “...determining whether a login page is received.” Accordingly, Applicant submits that the claim is clear as written and respectfully requests that the rejection be withdrawn.

## **B. REJECTION OF CLAIMS 1-14 AND 18-22 UNDER 35 U.S.C. §101**

The Office has rejected claims 1-14 and 18-22 for allegedly being directed to non-statutory subject matter. Initially, Applicant respectfully submits that the relevant section of the United States Code recites:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title. 35 U.S.C. §101.

Specifically, the Office asserts with respect to claims 1 and 10, that the claimed invention does not show any hardware devices or components in its method steps. Applicant respectfully submits that the PTO Board of Appeals ruling in In re Lundgren abolished the requirement for hardware in a method claim. Furthermore, the claims objected to by the Office both recite that the method is “computer implemented”, indicating the relationship with hardware desired by the Office.

With respect to independent claim 18, the claim does not merely recite “a program product stored on a readable medium” as stated by the Office, but rather “a computer readable medium.” In addition, Applicant has amended claim 18 to include “...which when executed by a computer comprises.” To this extent, Applicant respectfully submits that the claimed invention satisfies the Office’s interpretation of statutory subject matter. Accordingly, Applicant requests that the rejection be withdrawn.

### **C. REJECTION OF CLAIMS 1-22 UNDER 35 U.S.C. §102(b)**

With regard to the 35 U.S.C. §102(e) rejection over Gupta, Applicant asserts that Gupta does not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 10, 15 and 18, Applicant submits that Gupta fails to teach that the application data that is submitted to the network application without reentry by a user is an original submission. The Office equates the application data of the claimed invention with a cookie in Gupta. However, as indicated by the Office in the Response to Arguments section of its Office Action, a cookie, such as the one in Gupta, must have information to stored information, i.e., information that has already been entered, in order to function correctly. To

this extent, the information in the cookie of Gupta cannot be an original submission. In contrast, the claimed inventions include “receiving an original submission of the application data using the data page...wherein the application data is submitted to the network application without reentry by a user in case that the session has expired.” Claim 1. As such, unlike Gupta, the application data of the claimed invention that is submitted to the network application in case that the session has expired without the user having to reenter the application data is an original submission. Thus, Gupta does not teach the submission of data to the network application of the claimed invention. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With respect to dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

#### **IV. CONCLUSION**

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office’s interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office’s combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office’s combinations and modifications have not been separately addressed herein for brevity. However,

Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

  
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